

Appl. No. 10/621,859
Amdt. dated October 12, 2004
Reply to Office action of June 10, 2004

REMARKS

Reconsideration is respectfully requested. Claims 1, 6 and 8-13 are amended herein. Claims 14-21 are canceled. New claims 22-29 are added. The remaining claims are not amended in this response.

Applicant submitted an information disclosure statement on October 16, 2003. The office action of June 10, 2004, did not include an initialed copy of the form PTO-1449 to indicate that the Examiner had considered the information cited therein. Applicant respectfully requests that an initialed copy be forwarded to indicate that the information was considered by the Examiner. A copy of the PAIR page for this application is attached showing that the information disclosure statement was entered into the record on October 16, 2003.

Applicants have a co-pending application, S.N. 10/621,860, entitled BUILDING MOISTURE CONTENT CERTIFICATION SYSTEM AND METHOD. The Examiner in that application cited several documents, which applicants cite here in an information disclosure statement, together with the certification under 37 CFR 1.97(e) that the information was not cited in a counterpart foreign application and was not known more than 3 months prior to its filing herein.

Appl. No. 10/621,859
Amdt. dated October 12, 2004
Reply to Office action of June 10, 2004

Claims 1, 2, and 5-21 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by O'Halloran et al (U.S. 5,992,161). Applicants respectfully traverse.

O'Halloran et al direct their patent and disclosure to a product used in a high tech industry 'Clean Room'. The O'Halloran et al device humidifies air and then cools the air, the result being that dirt in the air can be filtered out more completely. The process disclosed controls temperature, humidity and contamination in the air. The disclosure of O'Halloran et al relates to first humidifying the air and then cooling it to extract the contaminants with the extracted moisture resulting from the cooling step. The Examiner refers to a portion of O'Halloran et al, at column 2, line 10 and following, as teaching dehumidification during construction. However, this is not dehumidification related to what applicants' claim. O'Halloran et al here are mentioning that by employing their combined device as part of the initial construction, the device can be used to dehumidify the plant during construction for the purpose of removing moisture from the air that contains contaminants. This is different from what applicants are discussing.

In contrast to O'Halloran et al, applicants' claimed method concerns a process that uses dehumidification to remove moisture during the construction of new homes and structures, for example, for the purpose of preventing structural damage and the

Appl. No. 10/621,859
Amdt. dated October 12, 2004
Reply to Office action of June 10, 2004

growth of mold and mildew. The claims are amended herein to clarify this difference.

Claims 1-7, 12, 13, 14, 15, 20 and 21 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Anderson (U.S. patent 5,212,958). Applicants respectfully traverse.

Anderson refers to a system that pumps water out of a dehumidifier via a submerged pump with an on-off switch triggered by a float. It allows continuous operation of the dehumidifier. This is unrelated to applicants' claimed method and process. There is no suggestion of using this device in the manner of applicants' claimed method.

Applicants submit herewith 3 letters, from Boardwalk Homes, DeCal Custom Homes and from Olsen Homes, Inc. These letters are all addressed to Home Certified Inc., which is a company practicing the applicants' invention. These letters are submitted to show the advantage and perceived usefulness provided by applicants' processes. Applicants' invention enables these home builders to build and sell homes with the added assurances that there is a lower likelihood of mold, mildew or moisture damage claims arising, and if such claims do arise, the builders can show that the homes were treated during construction to reduce the moisture, and that the moisture issues thereby likely arose after construction.

Such use of applicants' method provides an advantage to the builders, as noted for example in the Olsen Homes, Inc. letter

Page 10 — RESPONSE (U.S. Patent Appln. S.N. 10/621,859)
[\\Files\\Files\\Correspondence\\October 2004\\w332rtoal01204.doc]

Appl. No. 10/621,859
Amdt. dated October 12, 2004
Reply to Office action of June 10, 2004

wherein it is state that using applicants' drying processes, the builder sees "efficiencies in both time and expense." Also, the letters states the using the method added value to the homes since for the homeowner, "the additional drying effort . . . improves the quality of construction and the durability of their home". The homebuilders can use the information that the home has been treated during construction according to applicants' methods as a benefit to the consumer, as moisture, mold and mildew issues in home construction are a great concern in the industry.

These letters are submitted to be evidence of the non-obviousness in that they recognize the benefits of using applicants' methods. Further, the builders note that this provides them with advantages and an improved product to sell. If the invention had been obvious, these builders would have been performing the inventive methods previously. However, they were not and did not consider such a process and it is applicants that have discovered and implemented the claimed processes and methods, to the improvement and advantage of the home building industry.

In view of the above, it is respectfully submitted that claims 1-13 are neither anticipated by O'Halloran nor obvious in view of Anderson.

New claims 22-29 are added herein, directed to methods according to applicants' invention. Support for these claims is

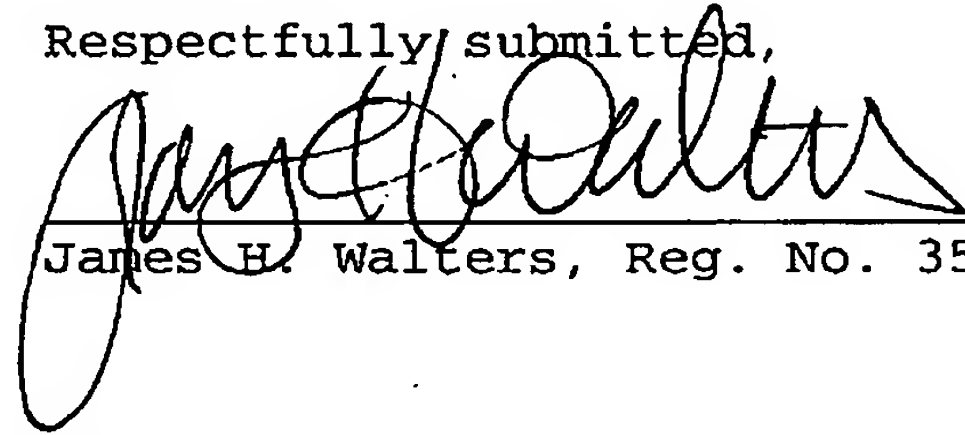
Page 11 — RESPONSE (U.S. Patent Appln. S.N. 10/621,859)
[\\Files\\Files\\Correspondence\\October 2004\\w332rtoa101204.doc]

Appl. No. 10/621,859
Amdt. dated October 12, 2004
Reply to Office action of June 10, 2004

found in the specification as filed, and for example, in the drawing figure. These new claims are also submitted to be allowable.

In light of the above noted amendments and remarks, this application is believed in condition for allowance and notice thereof is respectfully solicited. The Examiner is asked to contact applicant's attorney at 503-224-0115 if there are any questions.

Respectfully submitted,


James H. Walters, Reg. No. 35,731

Customer number 802
DELLETT AND WALTERS
P.O. Box 2786
Portland, Oregon 97208-2786 US
(503) 224-0115
DOCKET: W-332

Certification of Facsimile Transmission

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office on this October 12, 2004.

